

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2307

Wednesday, April 24, 2002, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Jackson	Beach	Romig, Legal
Carnes	Pace	Dunlap	
Dick		Fernandez	
Harmon		Huntsinger	
Hill		Stump	
Horner			
Ledford			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, April 22, 2002 at 8:40 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Harmon called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of April 3, 2002, Meeting No. 2305

On **MOTION** of **HORNER**, the TMAPC voted 8-0-1 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; Hill "abstaining"; Jackson, Pace "absent") to **APPROVE** the minutes of the meeting of April 3, 2002, Meeting No. 2305.

Minutes:

Approval of the minutes of April 10, 2002, Meeting No. 2306

On **MOTION** of **WESTERVELT**, the TMAPC voted 8-0-1 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; Hill "abstaining"; Jackson, Pace "absent") to **APPROVE** the minutes of the meeting of April 10, 2002, Meeting No. 2307.

REPORTS:

Worksession Report:

Mr. Harmon reported that there was a worksession at 11:30 a.m. prior to today's meeting regarding budget and upcoming studies for the Work Program.

Director's Report:

Mr. Stump reported that there are no Planning Commission items on the City Council agenda this week.

ITEMS TO BE CONTINUED:

Git-N-Go 101 Sheridan (PUD-431-B) (2783) (PD-26) (CD-8)

Location: South of 101st Street South, West of Sheridan Road

Staff Recommendation:

The applicant has requested a continuance to May 15, 2002.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **CONTINUE** the preliminary plat for Git-N-Go 101 Sheridan to May 15, 2002 at 1:30 p.m.

APPLICATION NO.: PUD-659 **RS-3 to PUD**

Applicant: Patrick Fox (PD-6) (CD-9)

Location: West of southwest corner of East 31st Street and South Utica Avenue

Staff Recommendation:

The applicant has requested a continuance to a date uncertain. Staff recommends the application be continued to May 15, 2002.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, stated that his request for a continuance is because his client has been discussing this issue with neighborhood representatives. He explained that Mr. Hardwick

requested another continuance until his neighborhood could fully review the issues.

Interested Parties Comments:

J. David Henry, 3132 South Utica, Tulsa, Oklahoma 74105, read from the Zoning Code regarding that after filing the application a public hearing shall be held within 60 days. He questioned the continuance request since this application has been continued once before.

TMAPC Comments:

Mr. Harmon stated that when there is ongoing dialogue between the two sides, then the Planning Commission does have the prerogative to extend the application further, especially if it would serve a purpose, and this seems to be the case.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **CONTINUE** PUD-659 to May 15, 2002 at 1:30 p.m.

SUBDIVISIONS:

VACATION OF PLAT:

Blake Hills Addition

(PD-18) (CD-8)

Location: South of East 81st Street and East of South Yale Avenue

Staff Recommendation:

The applicant is requesting approval from the Planning Commission and City Council of a vacation of plat for the Blake Hills Addition which was originally platted in 1983. The Blake Hills Addition was resubdivided into The Vintage on Yale plat in 1999.

In order to vacate the original or underlying plat for Blake Hills Addition, the owners of the property and franchise utility services typically would need notification of the process. The owners in this case are all the owners of the replat of The Vintage on Yale, and the utility services were included in the replatting process in 1999.

Staff recommends **APPROVAL** of the vacation of plat for the Blake Hills Addition.

There were no interested parties wishing to speak.

The applicant was not present.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **APPROVE** the vacation of plat for Blake Hills Addition as recommended by staff.

FINAL PLAT:

Rainbow Concrete (494)

(PD-17) (CD-6)

Location: 13521 East 11th Street

Staff Recommendation:

The property was rezoned to IL and OL in 1974 and has been subject to plat since then.

This plat consists of one lot in one block on 2.87 acres. The concrete company currently occupies the area being platted as well as the abutting property to the southwest zoned IM and some property to the north zoned RS-2. The activity began in the IM portion and has been expanded over the years to its present extent.

A preliminary plat was approved June 28, 2000 and expired a year later. The applicant is now seeking to reinstate the preliminary plat and gain approval of the final plat.

Staff has no concern with reinstating the preliminary plat because there has been no significant development or changes to the infrastructure since the preliminary plat was approved. All releases are in and the plat is in order. Staff recommends **APPROVAL** of the final plat and reinstatement of the preliminary plat.

TMAPC Comments:

Mr. Harmon stated that there is some litigation involved on this particular tract of land, but it does not impede the platting process. Mr. Beach confirmed that the litigation does not impede the platting process.

The applicant indicated his agreement with staff's recommendation.

Interested Parties Opposing:

James Mautino, 14628 East 12th Street, Tulsa, Oklahoma 74108, submitted photographs, aerials and minutes (Exhibit B-1); **Al Nichols**, East Tulsa Mingo Valley Association, 8525 East 16th Street, Tulsa, Oklahoma 74112.

Interested Parties Comments:

Cited concerns regarding the ponds and lagoon; flooding and redirection of flood water; diverted a creek; a changes being made on the subject property without a permit; plat should be held up until the judge makes his decision regarding the litigation; sewage concerns; fears that a final plat being granted would give the applicant an advantage in court.

TMAPC Comments:

Mr. Westervelt asked Mr. Nichols if he is representing the East Tulsa/Mingo Valley Association or speaking as an individual and a member of the East Tulsa/Mingo Valley Association. In response, Mr. Nichols stated that he is speaking as an individual who is a member of the East Tulsa/Mingo Valley Association.

Mr. Harmon asked staff about significant changes that were made to the subject property since the preliminary plat was filed. In response, Mr. Beach stated that staff stated that there has been no significant developments in the subject area since the filing of the preliminary plat. The conditions under which the preliminary plat was approved are not significantly different and there is no problem with reinstating the preliminary plat.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, representing APAC Oklahoma, Inc., stated that his client is the owner of Rainbow Concrete and has owned the property since 1999. Mr. Johnsen cited the history of the previous owner up to today's ownership and the changes that were made with or without permits. He indicated that two years ago, his client received a notice of a zoning violation. After going to the Board of Adjustment, there has been an appeal filed and is currently in court. One of the violations was that the subject property has not been platted. The platting requirement came into play when the OL and IL portions of the subject property were rezoned by a private party. This is the only property that is under the platting requirement. He explained that the platting requirement was not enforced for quite some time and there were permits issued over time.

Mr. Johnsen explained that his client's objective is to be in compliance with the Zoning Ordinance and it seems incredibly strange that there would be any question that the plat should not be approved. One of the requirements is to plat, and the plat has gone through the normal processes and received release letters from all of the agencies that reviewed the details. There is no reason not to

approve this final plat. The final plat would still have to go through the City Council and if it is approved, then it would allow the issuance of certain permits that are needed to correct other deficiencies.

Mr. Johnsen stated that there are two ponds; one has been there before the 1970's and the second pond was built by APAC at the suggestion of DEQ. He commented that some of Mr. Mautino's statements are incorrect. Mr. Johnsen indicated that Mr. Mautino was correct regarding the second pond being built in a floodplain and it would have to be removed. He stated that the subject plat was scrutinized by the technical people closer than any plat he has filed before. He commented that the plat is consistent with what the drainage people want. The lagoon has been in place for several years and has Health Department approval. The lagoon has no impact on the neighborhood and the reviewers had no problem with the lagoon.

Mr. Johnsen stated that the plat is before the Planning Commission meeting the normal standards that are applied. If an applicant meets the regulations as they are normally applied, then the plat should be approved. It makes no sense to be cited for not having a plat, then turning around and denying a plat after meeting all of the regulations.

TMAPC Comments:

Mr. Harmon informed Mr. Mautino that he was out of order to speak from the audience without being recognized. Mr. Mautino continued to speak from his seat and he agreed that he was out of order, but said that Mr. Johnsen challenged him personally. Mr. Harmon asked the Planning Commissioners if they would like to re-recognize Mr. Mautino to the podium. There was no response. Mr. Harmon announced that the Planning Commission would be in review.

Mr. Westervelt stated that the Planning Commission previously denied an accelerated building permit because it was improper. The Planning Commission is very well aware of the litigation pending on the subject property. He stated that he has publicly made statements to the applicant that he is displeased with the whole mess and the Planning Commission has clearly stated the same message. With this property being in court, he is concerned about taking an action that might either diminish the City's position or give the applicant some additional leverage to not comply with the request. Mr. Westervelt asked Mr. Romig if there is any way that the Planning Commission could create a problem for the City's legal action by not taking the high road or giving the applicant any extra leverage. In response, Mr. Romig stated that if all of the ordinance requirements and regulations are met, then the discretion is taken out of the decision whether to approve the plat or not. Mr. Romig stated that the litigation side of this is being handled by Mr. Boulden for the City of Tulsa, and he has issued the opinion that approval of the plat would not injure his case.

Patrick Boulden, Tulsa City Attorney's Office, 200 Civic Center, Suite 300, Tulsa, Oklahoma, 74103, stated that he concurred with Mr. Romig, and he is not concerned with the litigation that is currently pending impacting this plat. The Planning Commission should review the plat based on regulations and ordinances dealing with plats and the use issues would be dealt with in District Court. It would put the City in an awkward position to have the Board of Adjustment (BOA) ordering a plat and then perhaps the Planning Commission denying the plat.

Mr. Harmon asked, to be absolutely clear on the record, if all release letters have been received and the plat is in order. In response, Mr. Beach stated that all release letters are in and the plat is in order. Mr. Beach stated that there is nothing else outstanding to be reviewed or to worry about.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **APPROVE** the final plat for Rainbow Concrete and reinstatement of the preliminary plat as recommended by staff.

* * * * *

Jim Norton Center West (PUD-603) (2383) (PD-26) (CD-8)

Location: 9900 South Memorial Drive

Staff Recommendation:

This is a subdivision of 2.5 acres into one lot, one block. The site is a portion of PUD 603 and will be used for retail auto sales use. Some 12,500 SF of floor area are allowed by the PUD.

All releases are in and the plat is in order. Staff recommends **APPROVAL** of the final plat, subject to covenant changes required by the Legal Department.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **APPROVE** the final plat for Jim Norton Center West

subject to covenant changes required by the Legal Department as recommended by staff.

CONTINUED ZONING PUBLIC HEARING:

APPLICATION NO.: PUD-405-K/Z-5722-SP-15 **MAJOR AMENDMENT**
Applicant: Roy Johnsen **/CORRIDOR SITE PLAN**
(PD-18) (CD-8)

Location: South and west of southwest corner of East 92nd Street and South 78th East Avenue

Staff Recommendation:

The subject tract consists of 42.6 acres located south and west of the southwest corner of South Memorial Drive and East 91st Street. The tract comprises the balance (after turnpike right-of-way acquisition) of Development Area Four of PUD-405. PUD-405 was approved by the City Council in 1985. Development Area Four was approved for multifamily uses with a maximum of 866 dwelling units (19.6 dwelling units per acre).

This major amendment and corridor site plan is proposing a maximum of 150 detached single-family dwellings. It is proposed that the interior streets be private and gated.

The conceptual site plan (Exhibit A) has the north boundary of the East 93rd Street South right-of-way abutting the rear lots of detached single-family homes to the north (South Springs Addition). Staff does not endorse the conceptual layout.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-405-K/Z-5722-SP-15 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-405-K/Z-5722-SP-15 subject to the following conditions:

2. **Development Standards:**

RESIDENTIAL DEVELOPMENT AREA

Gross Land Area: 30.94 Acres

Permitted Uses:

Uses included within Use Unit 6, Detached Single-Family Dwellings and customary accessory uses.

Maximum Number of Dwelling Units: 140

Minimum Lot Area: 6,900 SF*

Minimum Livability Space per Dwelling Unit Per Lot: 4,000 SF*

Maximum Building Height: 35 FT

Minimum Depth of Required Yards:

From the external boundaries of the PUD 20 FT

From private street right-of-way 20 FT**

From internal side lot line

One side yard 10 FT

Other side yard 5 FT

From internal rear lot lines 20 FT

Other Bulk and Area Requirements:*

As provided within an RS-3 district.

*One lot at the northwest corner of the PUD may be developed to RS-4 standards.

**Garages fronting a private street shall be set back 25 feet.

RESERVE AREAS

Gross Land Area:

11.66 Acres

Permitted Uses:

Reserve areas are limited to use for open space, recreation, landscaping, stormwater management, entry features including gates and related security features. Recreational use in the north 125 feet of the PUD shall be limited to passive open space activities and shall be subject to detail site plan review. If Reserve Area "D" is not needed for stormwater purposes it may be included in the Residential Development Area with a maximum of ten dwelling units.

3. There shall be a minimum of two access points to the PUD.
4. ~~No street right-of-way in the PUD shall be within 60' of the rear lot line of a lot located within or outside the PUD if such street right-of-way approximately parallels those rear lot lines.~~
5. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
6. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness, which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent. There shall be no hammerhead turnarounds.
7. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets, or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
8. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.

10. Entry gates or guardhouses, if proposed, must receive detail site plan approval from Tulsa Traffic Engineering, Tulsa Fire Department and TMAPC staff, prior to issuance of a building permit for the gates or guardhouses.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during the subdivision platting process.

TMAPC Comments:

Mr. Carnes asked staff if the hammerhead would be eliminated since the applicant may be able to utilize Reserve Area D. In response, Mr. Dunlap stated that he doesn't know the answer to that at this time. Mr. Carnes asked Mr. Johnsen the same question regarding the hammerhead. In response, Mr. Johnsen stated that he is not certain, but it would appear that it would be possible.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, cited the history of the subject property and the previous proposal. He explained that there were some concerns regarding access, but it has been resolved. He stated that the northernmost lot meeting RS-4 standards would give his client an opportunity to implement an agreement reached with the adjoining property owner.

Mr. Johnsen stated that the staff recommendation is acceptable except for one issue. Mr. Johnsen submitted an amended conceptual site plan (Exhibit B-1). He indicated that his clients would like to have two themes in this subdivision. Lots 5 and 6 would be reserved for empty-nesters and it is proposed that there be two entry gates in order to provide security. The east and west street, which staff believes would be creating a double-frontage lot to the north, would provide access to the west approximate half of the subdivision, which would also be private streets and gated. If 93rd Street was brought to the south, then a row of lots could be created to the north, but they would then be taken out of the security concept that would be provided for the empty-nesters. He agrees that normally double-fronted lots are not done, but occasionally it happens and it is not unprecedented. He proposes to create an open-space area in Area C, having a minimum width of 20 feet, landscaping and a masonry wall. Mr. Johnsen stated that at the narrowest point there is a 30' private street right-of-way and 20' green space, but if it were a normal street with 50' of right-of-way, the 26' of paving would be centered and there would be 12' to curb (grassed or non-paved). In private streets the same 26' of paving is located in the center of the 30' right-of-way and 2' to the curb, plus 20' of grassed area (22' from the paving lane).

TMAPC Comments:

Mr. Westervelt asked Mr. Johnsen about the lots that appear to be in the 100-year flood. In response, Mr. Johnsen stated that the lots would be reclaimed.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to recommend **APPROVAL** of the Major Amendment and Corridor Site Plan for PUD-405-K/Z-5722-SP-15 as amended and presented by applicant, subject to there being no hammerhead turnarounds. (Words deleted by the TMAPC are shown as ~~strikeout~~; words added or substituted by TMAPC are underlined.)

Legal Description for PUD-405-K/Z-5722-SP-15:

A tract of land that is part of the Northeast Quarter (NE/4) of Section 23, T-18-N, R-13-E, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: Starting at the Northeast corner of said Section 23, thence S 89°49'58" W along the Northerly line of Section 23 for 1,279.52'; thence due South for 75.01'; thence S 37°48'26" E for 163.13'; thence S 2°14'46" W for 498.29'; thence S 23°26'02" E for 175.61'; thence S 18°26'06" W for 65.62' to the Point of Beginning of said tract of land ;thence continuing S 18°26'06" W for 68.16'; thence S 30°22'30" E for 537.89'; thence S 4°34'26" W for 125.40'; thence S 53°36'56" W for 236.01'; thence S 5°26'25" W for 105.48'; thence S 68°11'55" E for 276.83'; thence S 8°21'57" E for 123.50'; thence S 53°07'48" W for 18.51'; thence S 68°24'29" W for 146.52'; thence S 87°41'51" W for 350.00'; thence S 41°51'45" W for 75.01'; thence S 89°52'11" W parallel to and 460.00' Northerly of the Southerly line of the NE/4, for 1,258.17' to a point on the Westerly line of the NE/4; thence N 0°05'01" W along said Westerly line for 1,077.08'; thence N 89°54'59" E for 365.00'; thence N 50°42'58" E for 69.61'; thence S 39°17'02" E for 0.00' to a point of curve; thence Southeasterly, Easterly and Northeasterly along a curve to the left, with a central angle of 63°08'43" and a radius of 160', for 176.33' to a point of tangency; thence N 77°34'15" E along said tangency for 817.92' to a point of curve; thence Northeasterly along a curve to the right, with a central angle of 6°59'15" and a radius of 990.48'; for 120.79' to the Point of Beginning of said tract of land, and located west of the southwest corner of East 91st Street and South Yale Avenue, Tulsa, Oklahoma, From CO/PUD-405 (Corridor District/Planned Unit Development) To CO/PUD-405-K/Z-5722-SP-15 (Corridor District/Planned Unit Development).

ZONING PUBLIC HEARING

APPLICATION NO.: PUD-307-A-1

MINOR AMENDMENT

Applicant: Eric Sack/Sack & Associates (PD-6) (CD-9)

Location: 2021 East 71st Street

Staff Recommendation:

The request is for amended development area boundaries.

PUD-307-A consists of 20 acres located at 2021 East 71st Street. Permitted uses on the northern portion of the tract (8.52 acres) include elderly housing apartments, extended care facility, administrative office, dining facility and accessory uses. Permitted uses on the southern portion of the tract (11.48 acres) include community recreational and cultural facilities and a museum.

The underlying zoning on the subject tract is OM. The tract is abutted on the north by apartments and vacant land, zoned RM-1; to the east by a postal center and office uses zoned CS and OM; to the west by office uses zoned OM and OM/PUD-287; and to the south of the tract across 71st Street are hotel and apartment uses, zoned CS/PUD-282 and OM.

The applicant is requesting a minor change in the development area boundaries (see Exhibit A).

Staff finds that the request is minor in nature and substantial compliance is maintained with the approved development plan and the purposes and standards of the PUD Chapter. Therefore, staff recommends **APPROVAL** of PUD-307-A-1 as requested.

Related Item:

APPLICATION NO.: PUD-307-A-1

DETAIL SITE PLAN

Applicant: Louis Levy

(PD-18) (CD-4)

Location: 2021 East 71st Street

Staff Recommendation:

The applicant is requesting approval of a detail site plan for an addition to the Jewish Federation Community Center on the Camp Shalom campus. The proposed uses are in conformance with PUD-307-A-1 development standards.

The site plan as submitted meets development standards, including parking and landscaping requirements. Per Sack & Associates, Inc., the existing structure is 40,069 square feet. The new construction will add 36,275 square feet for a total of 76,344 square feet. Eighty percent of the combined square footage will be a

community center, Use Unit 5, with a parking ratio of one space per 500 square feet; and 20% of the combined square footage will be a school, also a Use Unit 5, with a parking ratio of one space per 1200 square feet. Total parking retained after construction, according to Sack & Associates, will be 144 spaces, which will exceed the minimum requirement of 136 spaces. Landscaping percentage retained after construction will be 56%.

Staff recommends **APPROVAL** of PUD-307-A-1 Detail Site Plan as submitted.

Note: Detail site plan approval does not constitute sign or landscape plan approval.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HILL**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **APPROVE** the minor amendment for PUD-307-A-1 as recommended by staff.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **APPROVE** the detail site plan for PUD-307-A-1 as recommended by staff.

APPLICATION NO.: PUD-405-18/Z-5722-SP-1

MINOR AMENDMENT

Applicant: Mark Denyer

CORRIDOR SITE PLAN

(PD-18) (CD-8)

Location: Southwest corner of East 91st Street and South 78th East Avenue

Staff Recommendation:

The applicant is requesting an additional ground sign not to exceed four feet in height or 16 square feet of display surface area for Development Area 1-B (Lot 1, Block 1, 9100 Memorial).

Development Area 1-B of PUD-405 consists of 2.450 acres located at the southwest corner of East 91st Street and South 78th East Avenue. Office uses are permitted on the tract. The existing sign standards are as follows:

- 1) One monument sign per street entry not to exceed four feet in height and 32 square feet of display surface area.
- 2) Wall signs shall be permitted not to exceed .5 square feet of display surface area per lineal foot of building wall to which attached.

The applicant is requesting an amendment to allow an additional ground sign not to exceed four feet in height or 16 square feet of display surface area.

The subject tract has been approved for office uses and the existing sign standards are appropriate for the permitted uses. Staff recommends **DENIAL** of the requested amendment.

TMAPC Comments:

Mr. Westervelt asked staff what their main reason is for recommending denial. In response, Mr. Dunlap stated that there are residential uses to the north, and the original sign standards were approved for the whole development area. Mr. Dunlap explained that the subject property is an office use and in an office area. These sign standards are consistent with that. Mr. Dunlap stated that there are two ground signs that are permitted on the subject property (one at each entry to the PUD) and staff feels that the present standards are appropriate.

Mr. Stump stated that offices are only allowed one business sign per street frontage and the subject property already has two ground signs.

Applicant's Comments:

Mark Denyer, owner, 9100 Memorial L.L.C., stated that originally he contemplated there being an access at the site where the proposed sign is located. At the time of the development, he did not request an entry point because he felt that due, to the traffic on East 91st, it would be an impedance to traffic and decided to move the entryway around to the northeast corner of the subject property. He explained that a tenant of his building is requesting the signage, which is half of what is permitted at the two other locations. Mr. Denyer submitted a site plan (Exhibit C-2). He stated that the sign had been designed discreetly and is backlit. He requested that the smaller sign be allowed for the subject location. Mr. Denyer concluded that the sign would be simply for the tenant's benefit and the tenant would like to have the signage.

TMAPC Comments:

Mr. Stump asked Mr. Denyer why he couldn't place the subject sign at the location near the entrance of the northeast corner. In response, Mr. Denyer stated that there is a sign already in place at the northeast corner location. Mr. Denyer indicated that the existing signage is a 32' monument sign. Mr. Denyer stated that the existing sign is for the tenants in the building, which is a multi-tenant building. Mr. Denyer commented that he would not be requesting any additional signs in the future.

Mr. Stump asked Mr. Denyer what function the new sign would serve if it is not near an entrance and it is not directing passersby to enter the parking lot to go that business, which is the typical function of an office sign. In this case the sign does not seem to be near an entrance, and in fact, passersby might be expecting to turn at that sign and there would be no entrance. In response, Mr. Denyer stated that the sign serves a marketing purpose for the tenant. Mr. Stump stated that that is one reason the staff would object, because the Sign Code sets up signage in the office district to be assistance in finding the offices rather than marketing businesses.

Interested Parties Comments:

Steve Admire, President of Advantage One Mortgage, submitted photographs of existing tenants and their signage in the subject area (Exhibit C-1). Mr. Admire displayed several examples of signs in the subject area.

Mr. Stump explained that the pictures Mr. Admire was displaying were for retail shopping centers and the signage requirements are different from office districts.

Mr. Harmon reminded Mr. Admire that the Planning Commission is only considering the proposed sign for the subject location. He further stated that different tracts and different uses have different signage requirements. He explained that it is difficult to look at the pictures and see the relevance of today's consideration. In response, Mr. Admire stated that he wanted to show that there is some office signage in the subject area with monument signs. Mr. Admire further stated that his combined request is smaller than the current monument signs in the pictures he is showing. Mr. Harmon stated that there are many factors that determine the size of allowed signage and it is difficult to determine what is allowed by viewing his pictures. In response, Mr. Admire stated that he has pictures of the surrounding buildings and they are actually smaller than the building at 9100 Plaza.

Mr. Stump stated that the pictures Mr. Admire displayed indicate that the properties in the subject area have one sign per lot. In response, Mr. Admire agreed. Mr. Admire indicated that the buildings with one ground sign were smaller buildings than the proposed site.

Mr. Midget asked staff if the tenant's name could be seen on the existing signage from the street. In response, Mr. Stump stated that the tenant's name could be seen.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **DENY** the minor amendment/corridor site plan for PUD-405-18/Z-5722-SP-1a as recommended by staff.

APPLICATION NO.: PUD-297-1

MINOR AMENDMENT

Applicant: Laurie Price

(PD-18) (CD-9)

Location: North and west of northwest East 67th Street and South Utica

Staff Recommendation:

The applicant is requesting an amendment to the setback requirements on three separate lots in the Innovare Park Addition, which is a high-density detached single-family dwelling development. The PUD is located north and west of the northwest corner of East 67th Street and Utica Avenue. The lots included within the request are Lots 19, 25, and 75, Block 1. Dwellings have been built on the lots.

The existing minimum building setbacks are as follows:

Front (From property lines)	12 FT
(From back curb)	18 FT
Rear	10 FT
One Side	-0- FT
Other Side	5 FT

The southeast corner of the existing dwelling on Lot 19 is 8.8 feet from the property line instead of the required 12 feet.

The existing dwelling on Lot 25 is setback 4.8 feet from the north property line instead of the required five feet.

The existing dwelling on Lot 75 is seven feet from the north property line instead of the required 12 feet and at one point is 8.8 feet from the west property line instead of the required 12 feet.

There are existing dwellings on the three subject lots. The request is minor in nature and staff recommends **APPROVAL** of the request per the attached site plan.

Applicant's Comments:

Laurie Price stated that when she obtained the permits, the lots were laid out correctly on the permits, but when the foundations were poured they were slightly off. She explained that the foundation people measured from the curb rather than from the pins.

Commissioner Dick asked Ms. Price if she was in agreement with the staff recommendation. In response, Ms. Price answered affirmatively.

Interested Parties Comments:

Christine Williams, 1605 E. 66th Court, Tulsa, Oklahoma 74136, stated that she has lived in the subject subdivision for over ten years. She indicated that she is opposed to the request and would prefer that this request be continued until her issues could be resolved with the applicant. She explained that one of the lots she owns would not be developable if the request was granted. She stated that she has no ill feelings against the developer, but would like the issues resolved before continuing.

Ms. Williams stated that Lot 75 would run into Lot 72, which is her lot, and it would no longer be a lot.

TMAPC Comments:

Mr. Midget asked Ms. Williams if she is trying to seek compensation for her lot. In response, Ms. Williams answered negatively. Ms. Williams stated that she is trying to work the issues out. Ms. Williams indicated that there are a lot of real estate issues that need to be worked out.

Mr. Midget stated that he doesn't understand how approving this request would impact the interested party. In response, Ms. Williams stated that the houses are already there and runs into Lot 72 and she no longer has a lot because of Lots 75, 74 and 73.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 8-1-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Midget, Westervelt "aye"; Ledford "nays"; none "abstaining"; Jackson, Pace "absent") to **APPROVE** the minor amendment for PUD-297-1 as recommended by staff.

TMAPC Comments:

Mr. Horner asked Ms. Price who was responsible for the foundation problems. In response, Ms. Price stated that she takes full responsibility for the mistakes.

APPLICATION NO.: PUD-570-3

MINOR AMENDMENT

Applicant: Gale Plummer

(PD-26) (CD-8)

Location: 10912 South Memorial

Staff Recommendation:

The applicant is requesting an amendment of the minimum building setback from the west boundary of Lot 1, Block 2, Southern Crossing II from 25 feet to 24.7 feet.

A detail site plan for an 11,220 square foot retail building has been approved for the subject tract. PUD-578-A, which has been approved for commercial uses, abuts the tract on the west.

Staff finds that the request is minor in nature and substantial compliance is maintained with the approved development plan and the purposes and standards of the PUD Chapter. Therefore, staff recommends **APPROVAL** of PUD-570-3 as requested.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **APPROVE** the minor amendment for PUD-570-3 as recommended by staff.

APPLICATION NO.: PUD-643-2

MINOR AMENDMENT

Applicant: John W. Moody

(PD-18) (CD-7)

Location: East 74th Street and South Memorial Drive

Staff Recommendation:

The applicant is requesting a minor amendment of the minimum building setback standards from the south boundary of the PUD for Blocks 2, 3, 4 and 5 from 43 feet to 40 feet (see enclosed proposed plat, French Creek Patio Homes, dated March 25, 2002).

PUD-643 consists of 11.8 net acres located at the southeast corner of East 74th Court and South Memorial Drive. The PUD has been approved for a maximum of 80 one-story townhouse dwelling units.

PUD-643-1 (minor amendment) was approved by the Planning Commission on February 27, 2002. This approval amended the minimum building setback standard of 43 feet from the south boundary to 30 feet on Lots 1-6, Block 1 and of 43 feet from the east boundary to 33 feet on Lot 6, Block 5 with condition that the maximum building height for Lots 1-6, Block 1 and Lot 6, Block 5, French Creek Patio Homes be one story not to exceed 25 feet in height.

This request is minor in nature and as modified by staff would be compatible with existing and proposed development. Therefore, staff recommends **APPROVAL**

of the minor amendment with the condition that the maximum building height for Blocks 2, 3, 4 and 5 (all lots) be one story not to exceed 25 feet.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **APPROVE** the minor amendment for PUD-643-2 subject to the condition that the maximum building height for Blocks, 2, 3, 4 and 5 (all lots) be one story not to exceed 25 feet as recommended by staff.

APPLICATION NO.: PUD-362-3

MINOR AMENDMENT

Applicant: Danny Brumble

(PD-18) (CD-2)

Location: 7108 South Columbia Place

Staff Recommendation:

The applicant is requesting a minor amendment to change the minimum building setback for a rear yard from 25 feet to 20 feet for the construction of a new residence.

Staff finds the request to be minor in nature. Therefore, staff recommends **APPROVAL** of the request per the submitted site plan.

The applicant indicated his agreement with staff's recommendation.

Interested Parties Comments:

Richard Neal, 7206 S. College Place, Tulsa, Oklahoma 74136, stated that he is not opposed to the request, but would like to review the drainage plans before a building permit is approved.

TMAPC Comments:

Mr. Midget informed Mr. Neal that the Planning Commission can't give him a drainage plan to review and he should call the Public Works Department and the developer to do this.

TMAPC Action; 9 members present:

On **MOTION** of **HILL**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **APPROVE** the minor amendment for PUD-362-3 as recommended by staff.

OTHER BUSINESS:

APPLICATION NO.: PUD-397-B

DETAIL SITE PLAN

Applicant: Danny Mitchell

(PD-18) (CD-7)

Location: 9005 East 62nd Street South

Staff Recommendation:

The applicant is requesting approval of a detail site plan for a new medical office. The proposed uses are in conformance with PUD-397-B development standards.

The site plan as submitted meets most development standards, including building setbacks, minimum parking and landscaped area requirements. At this time, however, the site plan includes 25' high light poles, some of which are located adjacent to the west boundary of the PUD. PUD-397-B standards require that "no light standard nor building-mounted light within 50 feet of the south and west boundaries of the PUD shall exceed 15 feet in height and all such lights shall be set back at least 15 feet from the south and west boundaries". The applicant is in the process of revising the Site Lighting Photometric Plan to meet these requirements.

Staff recommends **APPROVAL** of PUD-397-B Detail Site Plan as submitted contingent upon submittal of a Site Lighting Photometric Plan (including pole elevations and detail) that is in compliance with PUD-397-B development standards.

Note: Detail site plan approval does not constitute sign or landscape plan approval.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **APPROVE** the detail site plan for PUD-397-B subject to a submittal of a site lighting photometric plan (including pole elevations and detail) that is in compliance with PUD-397-B development standards as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:45 p.m.

Date Approved: 5-15-02

A handwritten signature in cursive script, appearing to read "M. J. [unclear]", written over a horizontal line.

Chairman

ATTEST: Mary E. Hill
Secretary